

ESTTA Tracking number: **ESTTA357492**

Filing date: **07/12/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Million Beverage, LLC
Granted to Date of previous extension	07/10/2010
Address	17105 Kenton Place, Suite 207-C Cornelius, NC 28031 UNITED STATES
Attorney information	Albert P. Allan Allan Law Firm, PLLC 409 East Boulevard Charlotte, NC 28203 UNITED STATES AAllan@AllanIPLitigation.com Phone:704-371-5605

### Applicant Information

Application No	77626383	Publication date	05/11/2010
Opposition Filing Date	07/12/2010	Opposition Period Ends	07/10/2010
Applicant	Golden Spirits L.L.C. Ste 101 407 E Louisiana Dr Mckinney, TX 75069 UNITED STATES		

### Goods/Services Affected by Opposition

Class 033. First Use: 2008/10/01 First Use In Commerce: 2008/11/01  
All goods and services in the class are opposed, namely: Vodka


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3273606	Application Date	10/09/2006
Registration Date	08/07/2007	Foreign Priority Date	NONE
Word Mark	MILLION		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2006/06/29 First Use In Commerce: 2006/06/29 Vitamin, mineral, nutrient, amino acid and/or herb fortified beverages in the nature of an alcohol recovery drink, hangover minimizer, and hangover suppressant beverage formulated to reduce and minimize the effects of alcohol consumption


U.S. Application No.	77747632	Application Date	05/29/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MILLION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: Teas		

U.S. Application No.	77747620	Application Date	05/29/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FEEL LIKE A MILLION		

Design Mark	FEEL LIKE A MILLION
Description of Mark	NONE
Goods/Services	Class 030. First use: Teas

U.S. Registration No.	3281477	Application Date	10/09/2006
Registration Date	08/21/2007	Foreign Priority Date	NONE
Word Mark	\$		
Design Mark			
Description of Mark	The mark consists of dollar sign in clear black-and-white without claiming color.		
Goods/Services	Class 005. First use: First Use: 2006/06/29 First Use In Commerce: 2006/06/29 Vitamin, mineral, nutrient, amino acid and/or herb fortified beverages in the nature of an alcohol recovery drink, hangover minimizer, and hangover suppressant beverage formulated to reduce and minimize the effects of alcohol consumption		

U.S. Application No.	77747747	Application Date	05/29/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	\$		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 030. First use: Teas

Attachments	77017038#TMSN.jpeg ( 1 page )( bytes ) 77747632#TMSN.jpeg ( 1 page )( bytes ) 77747620#TMSN.jpeg ( 1 page )( bytes ) 77017053#TMSN.jpeg ( 1 page )( bytes ) 77747747#TMSN.jpeg ( 1 page )( bytes ) 100712 Opposition.pdf ( 3 pages )(53059 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Albert P. Allan/
Name	Albert P. Allan
Date	07/12/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MILLION BEVERAGE, LLC,       )  
  )  
                  Opposer,       )  
  )  
          v.                        )  
  )  
GOLDEN SPIRITS, LLC,       )  
  )  
                  Applicant.     )

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer, Million Beverage, LLC (“Million”), a North Carolina limited liability corporation with a business address at 17105 Kenton Place, Suite 207-C, Cornelius, North Carolina 28031, hereby opposes registration of the mark MILLION VODKA that is the subject of application Serial No. 77626383, published May 11, 2010 in class 33.

As grounds in support of its opposition, Opposer Million asserts the following:

1. Opposer Million, for many years and since long prior to the date of first use alleged by Applicant Golden Spirits, LLC (“Golden Spirits”), has adopted and has continuously used the term “MILLION” as a trademark for an alcohol recovery drink, hangover minimizer beverage, and hangover suppressant beverage

formulated to reduce and minimize the effects of alcohol consumption, and as a trademark for tea.

2. Opposer Million, for many years and since long prior to the date of first use alleged by Applicant Golden Spirits, has adopted and has continuously used the term “FEEL LIKE A MILLION” as a trademark for an alcohol recovery drink, hangover minimizer beverage, and hangover suppressant beverage formulated to reduce and minimize the effects of alcohol consumption, and as a trademark for tea.

3. Opposer Million, for many years and since long prior to the date of first use alleged by Applicant Golden Spirits, has adopted and has continuously used the term “\$” as a trademark for an alcohol recovery drink, hangover minimizer beverage, and hangover suppressant beverage formulated to reduce and minimize the effects of alcohol consumption, as and as a trademark for tea.

4. Opposer Million is the owner of Registration No. 3273606, by assignment from Sperling, Inc. on April 20, 2009, for the mark “MILLION” for an alcohol recovery drink, hangover minimizer beverage, and hangover suppressant beverage formulated to reduce and minimize the effects of alcohol consumption, which is valid and subsisting.

5. Opposer Million is the owner of Registration No. 3281477, by assignment from Sperling, Inc. on April 20, 2009, for the mark “\$” for an alcohol recovery drink, hangover minimizer beverage, and hangover suppressant beverage

formulated to reduce and minimize the effects of alcohol consumption, which is valid and subsisting.

6. Applicant filed an application to register the mark “MILLION VODKA” for vodka, an alcoholic beverage, on December 4, 2008, which was subsequently assigned Serial No. 77626383.

7. Applicant’s mark so resembles Opposer’s previously used and registered marks that the use and registration thereof by Applicant is likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant’s mark and prays that the opposition be sustained and that registration be refused.

Date: July 12, 2010

Respectfully submitted,

Opposer Million Beverage, LLC

By: /s/Albert P. Allan  
Albert P. Allan

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